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E-FILED: April 22, 2010

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

**In Re:** ) Case No. BKS-09-16447-LBR  
Yuko Otake, ) Chapter 13  
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**Debtor(s):** ) Hearing Date: May 12, 2010  
 ) Hearing Time: 10:30 AM  
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**DEBTOR'S OPPOSITION TO MOTION FOR**  
**RELIEF FROM AUTOMATIC STAY AND/OR REQUEST FOR RENOTICING**  
**UNDER NRS 107.080 (AS REQUIRED UNDER NEVADA ASSEMBLY BILL 149**  
**EFFECTIVE JULY 1, 2009)**

COMES NOW, Yuko Otake, by and through attorney, George Haines, Esq., of the LAW OFFICES OF HAINES & KRIEGER, LLC, and in response to **THE BANK OF NEW YORK, FKA THE BANK OF NEW YORK AS SUCCESSOR IN INTEREST TO JP MORGAN CHASE BANK NA AS TRUSTEE FOR STRUCTURED ASSET MORTGAGE INVESTMENTS II INC. BEAR STEARNS ALT-A TRUST 2005-10, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-10's** ("Creditor") Motion for Relief from Automatic Stay states as follows:

1. On April 27, 2009, Debtor filed the current Chapter 13 Petition in Bankruptcy with the Court.

2. Debtor's Plan provides that Debtor would continue to make direct payments to Creditor, while under the protection of the automatic stay of the Bankruptcy Court.

3. Debtor's Chapter 13 Plan provides for all payments in arrears through the plan and the post-petition payment for May, 2009.

4. On or around May 19, 2009, Debtor began to negotiate a loan modification through a third party company called Learn Your Rights.

5. On or around October, 2009, Debtor's loan modification request was denied.

6. On or around November, 2009, Debtor resubmitted a request for a loan modification through Learn Your Rights.

7. Debtor has kept in contact with a loan modification specialist named Carla at 702-369-3788 for updates.

8. On or about February 22, 2010, the Debtor contacted Carla with Learn Your Rights and was informed that the loan modification is still under review.

9. On or about April 07, 2010, Creditor filed a Motion for Relief from the Automatic Stay.

10. Debtor believes that the asset securing THE BANK OF NEW YORK, FKA THE BANK OF NEW YORK AS SUCCESSOR IN INTEREST TO JP MORGAN CHASE BANK NA AS TRUSTEE FOR STRUCTURED ASSET MORTGAGE INVESTMENTS II INC. BEAR STEARNS ALT-A TRUST 2005-10, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-10's claim is necessary to the Debtor's effective reorganization.

11. Accordingly, Debtor requests Creditor's motion be denied or continued until the loan modification is completed.

12. In the event this Court is inclined to grant secured creditor's request for relief from the automatic stay, the Debtor requests that Your Honor require Secured Creditor to renotice any pending foreclosure action under NRS 107.080 (as revised by Nevada Assembly Bill 149, effective July 1, 2009) by this Creditor to the extent applicable.

13. Pursuant to NRS 107.082 if a foreclosure "sale has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 107.080." NRS 107.080 (as revised by Nevada Assembly Bill 149 effective July 1, 2009) requires Secured Creditor to provide Debtor a notice of election to enter into court mandated mediation.

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WHEREFORE, Debtor requests:

1. THE BANK OF NEW YORK, FKA THE BANK OF NEW YORK AS  
SUCCESSOR IN INTEREST TO JP MORGAN CHASE BANK NA AS  
TRUSTEE FOR STRUCTURED ASSET MORTGAGE INVESTMENTS II  
INC. BEAR STEARNS ALT-A TRUST 2005-10, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2005-10's Motion be denied or  
continued until the loan modification is completed; and/or
2. In the event Your Honor grants relief from stay, that Secured Creditor be  
required to renote its foreclosure proceeding pursuant to Revised NRS  
107.080 (as effective through Nevada AB 149, July 1, 2009), thus providing  
the Debtor an opportunity to elect court mandated mediation in State Court.
3. Such other relief as the Court finds appropriate.

Dated: April 22, 2010

/s/ David Krieger, Esq.  
**Attorney for Debtor(s)**

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**CERTIFICATE OF MAILING RE:**  
**DEBTOR'S OPPOSITION TO MOTION FOR**  
**RELIEF FROM AUTOMATIC STAY**

I hereby certify that on April 22, 2010, I mailed a true and correct copy, first class mail, postage prepaid, of the above listed document to the following:

/s/George Haines, Esq.  
Attorney for Debtor

Gregory Wilde  
212 S. Jones Blvd  
Las Vegas, NV 89107